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GR 1815
#7
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4/17/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ROGER P. EKINS

Application No. 08/447,820

Filed: May 23, 1995

For: DETERMINATION OF AMBIENT
CONCENTRATION OF SEVERAL
ANALYTES

Examiner: M. Woodward, Ph.D.

Group Art Unit: 1815

Partial Response to
Paper No. 4330 GL 04/02/97 08447820
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17 March 1997
Date of Certificate

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TERMINAL DISCLAIMER RESPONSIVE TO
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

The above-identified patent application (hereinafter "the '820 application"), is owned by Multilyte Ltd. (hereinafter "Assignee"), as evidenced by an assignment from the inventors recorded in the U.S. Patent and Trademark Office on February 2, 1990 at Reel 5272 and Frame 802.

Assignee, by its undersigned attorney, who is attorney of record in the '820 application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the '820 application which would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,432,099, issued July 11, 1995, of which Assignee owns the entire right, title and interest.

Assignee, by its undersigned attorney, hereby agrees that any patent so granted on the '820 application shall be enforceable only for and during such period that the legal

title to such patent shall be the same as the legal title to said U.S. Patent No. 5,432,099, this agreement to run with any patent granted on the '820 application and to be binding upon the grantee, its successors or assigns.

In making the foregoing disclaimer, Assignee does not disclaim the terminal part of any patent granted on the '820 application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,432,099, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,432,099 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued or is in any manner terminated prior to expiration of its full statutory term as presently or subsequently shortened by any terminal disclaimer, as the case may be, except for the separation of legal title stated above.

A check for \$110.00 is enclosed herewith to cover the statutory disclaimer fee. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-1406.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
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By

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